

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MOTION OFFENSE, LLC,

Plaintiff

v.

DROPBOX, INC.,

Defendant

Civil Action No.: 6:20-cv-00251-ADA

MOTION OFFENSE, LLC,

Plaintiff,

v.

DROPBOX, INC.,

Defendant.

Civil Action No.: 6:21-cv-758-ADA

DROPBOX INC.'S OBJECTION TO FINAL VERDICT FORM

Dropbox respectfully objects to the jury verdict form to the extent it only submits the question of invalidity to the jury for the '052 and '158 patents, and not all four asserted patents. It is Dropbox's position that the question of invalidity should go to the jury for all four asserted patents even if the jury finds non-infringement of the asserted claims of the '548 and/or the '215 patents.

This case only involves allegations of direct infringement against Dropbox. *See* Dkt. 247 at 1 n.1 (“Motion Offense, through claim narrowing, is ***not asserting indirect infringement.***”); 4/25/23 Hr’g Tr. at 99:10-17 (MO arguing that Dropbox “ha[s] filed a motion to exclude testimony based on indirect infringement, doctrine of equivalents and joint infringement, and [Motion Offense is] not pursuing any of those. . . . ***we are not actually pursuing joint infringement.***”). Given that Motion Offense is proceeding on only a direct infringement theory, Dropbox seeks a judgment of invalidity to preclude Motion Offense from later asserting the asserted patents against Dropbox customers. *See, e.g., Motion Offense, LLC v. Sprouts Farmers Market, Inc.*, 6:19-cv-00417 at Dkt. 1 (July 12, 2019 W.D. Tex.). A decision on invalidity for all the asserted patents in this case would avoid unnecessary, duplicative litigation against Dropbox’s customers. *See* Dkt. 10 ¶ 19 (noting that Dropbox indemnifies Sprouts in this action). Additionally, instructing the jury that if they find non-infringement, they should assess invalidity for only two of the four asserted patents is likely to confuse the jury and could be prejudicial to Dropbox.

May 19, 2023

Respectfully submitted,

/s/ Gregory H. Lantier

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record are being served with a copy of the foregoing document via electronic mail on May 19, 2023.

/s/ Kelly Ransom